

EPA Region 5 Records Ctr.



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September 26, 2002

**VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED**Raymond Luchetti, R.A.  
Precision Brand Products, Inc.  
3500 Wolf Road  
Franklin Park, Illinois 60131Terry Piper, President  
Precision Brand Products, Inc.  
2250 Curtiss Street  
Downers Grove, Illinois 60515

Re: RCRA Notice of Intent to Sue

Dear Gentlemen:

We are writing this letter on behalf of property owners listed on attachment 1, as well as all other residents or property owners that have been impacted, or are threatened to be impacted, by chlorinated solvents released at or from your property located at 2400 Curtiss Street in the Ellsworth Industrial Park in Downers Grove, Illinois. The names, addresses and telephone numbers of the named residents providing this notice are attached as Exhibit 1 ("Property Owners"). The Property Owners own or occupy property in unincorporated DuPage County within the impacted area as outlined in the map attached as Exhibit 2. The approximate boundaries of the area are Inverness Road to the north, 63rd Street to the south, Plymouth Street to the east and Interstate 355 to the west.

This letter constitutes 90 days notice that the Property Owners intend to file suit against Precision Brand Products, Inc. ("Precision Brand") under section 6972(a)(1)(B) of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* The suit will be prosecuted in the United States District Court for the Northern District of Illinois. This notice is sent under 42 U.S.C § 6972 and applicable federal regulations. The violation is ongoing.

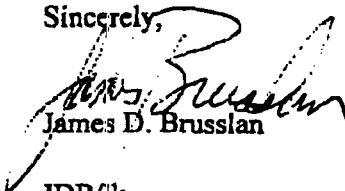
The Property Owners will file suit based on the releases from your property of hazardous chlorinated solvents, including trichloroethylene (TCE) and/or tetrachloroethylene (PCE). The suit will allege that as a past or present generator, owner and/or operator of property in the Ellsworth Industrial Park, Precision Brand has contributed or is contributing to the past or present handling, storage, treatment, transportation or disposal of chlorinated solvents, including TCE and/or PCE, which may present an imminent and substantial endangerment to health or the environment. Releases or threatened releases of chlorinated solvents, including TCE and/or PCE from your facility during operations from 1970 to 1979, and including the present time, are entering the Property Owners' land, including the groundwater, causing an imminent and substantial endangerment to their health and the environment.

The lawsuit will seek to restrain Precision Brand from continuing to contribute to the imminent and substantial endangerment. It will also seek an order requiring Precision Brand to take all necessary steps to remediate the endangerment, including, but not limited to, providing the Property Owners with an adequate drinking water supply. In addition, the lawsuit will seek, among other things, all costs of litigation (including attorney and expert witness fees) as provided by 42 U.S.C. § 6972(e).

The Property Owners also intend to file suit in federal court for their response costs, including, but not limited to preliminary site investigation removal costs under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. § 9607(a). The Property Owners will also pursue several common law claims against Precision Brand. The Property Owners reserve their rights to file suit for any of these other claims prior to the expiration of the 90 day notice period.

Those giving notice are represented by James D. Brusslan and Myron Cherry. Mr. Brusslan's address is on the letterhead. Mr. Cherry's address is 30 North LaSalle Street, Suite 2300, Chicago, Illinois 60602. Should you or your attorneys wish to discuss this matter, please contact Mr. Brusslan at 312-362-0500 or Mr. Cherry at 312-372-2100.

Sincerely,



James D. Brusslan

JDB/lk

cc: Administrator, USEPA  
Administrator, Region V, USEPA

U.S. Attorney General  
Director, Illinois EPA

## **Property Owners**

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Brian and Liz Chaplin  
5628 Pershing Avenue  
Downers Grove, IL 60516  
630-810-9588

Larry and Nina Napierkowski  
5809 Woodward  
Downers Grove, IL 60516  
630-969-2619

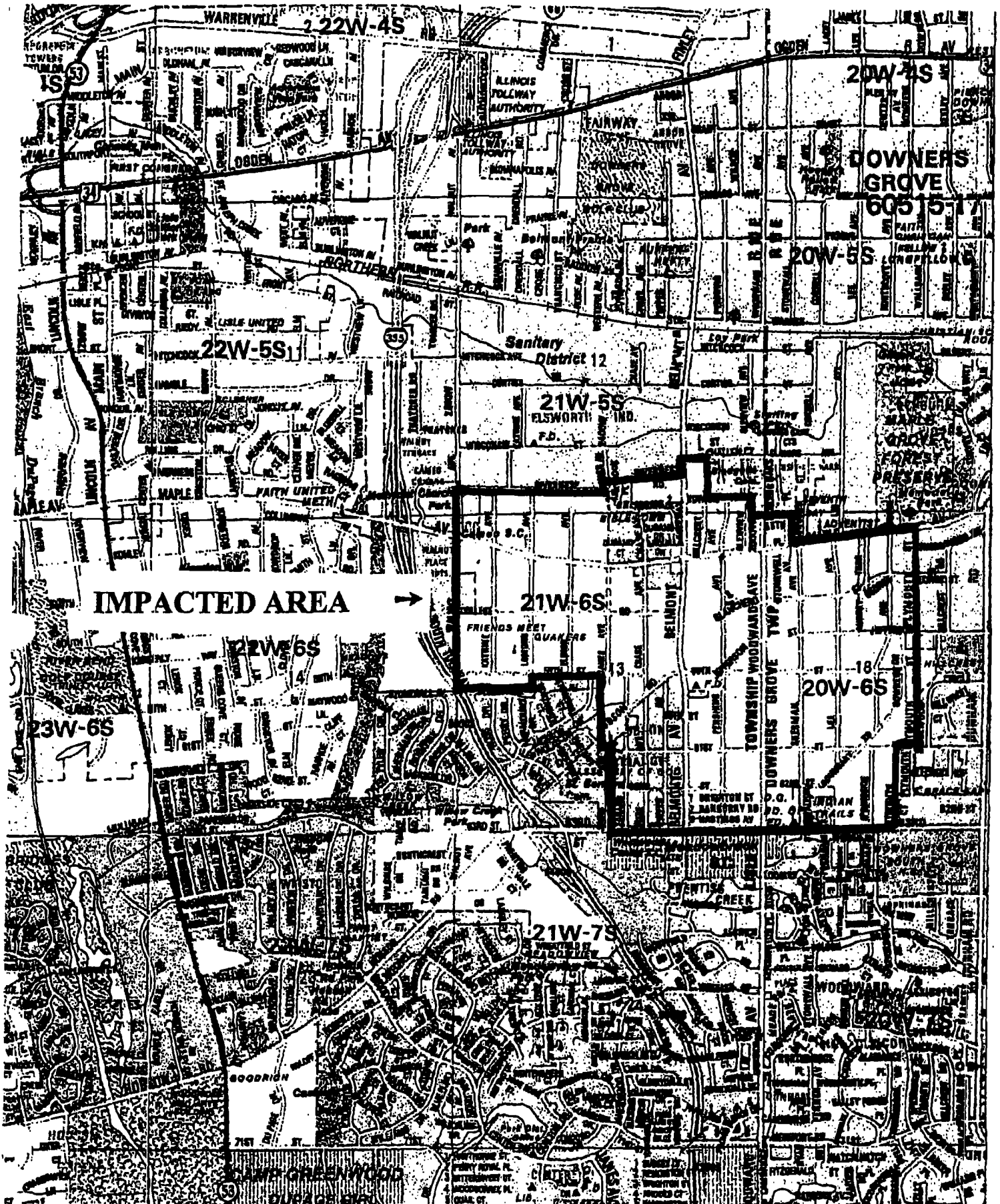
Cheryl Graves  
2400 Inverness  
Downers Grove, IL 60515  
630-963-3080

Joseph and Diane Shroka  
5854 Chase  
Downers Grove, 60516  
630-960-4448

Carolyn and Dennis Mitrius  
5704 Pershing Avenue  
Downers Grove, IL 60516  
630-968-8124

Cate Linden and Bob Slifka  
2150 59th  
Downers Grove, IL 60516  
630-493-9373

Anni and Ed Muniz  
5617 Pershing Avenue  
Downers Grove, IL 60516  
630-663-1275



**EXHIBIT 2**